

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DANNY CHU,

Plaintiff,

v.

ALLSTATE INDEMNITY COMPANY,

Defendant.

No. 3:18-cv-01425-SB

OPINION AND ORDER

MOSMAN, J.,

On February 11, 2018, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (F&R) [23], recommending that I dismiss Plaintiff's First Amended Complaint [5] for failure to prosecute. Neither party filed objections to the F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are

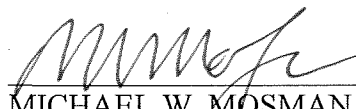
addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [23] as my own opinion. Plaintiff's First Amended Complaint [5] is DISMISSED.

IT IS SO ORDERED.

DATED this 5th day of April, 2019.



MICHAEL W. MOSMAN
Chief United States District Judge